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REMARKS

This response is to the Office Letter mailed in the above-referenced case on February 25, 2004. Claims 1 is rejected under 35 U.S.C. 112, second paragraph. Claims 1, 2, 3, 4, 7, 8, 10, 11, 13, 14, 15, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (6,580,950) hereinafter Johnson, in view of Hudson et al. (US Pub. No. 2002/0007229) hereinafter Hudson. Claim 9 is rejected under 35 U.S.C. as being unpatentable over Johnson in view of Hudson and further in view of Austin. Claims 12 and 17 are rejected under 35 U.S.C. as being unpatentable over Johnson in view of Hudson and further in view of Brown et al. (6,604,075) hereinafter Brown. Claim 5 is rejected under 35 U.S.C. as being unpatentable over Johnson in view of Hudson and further in view of Austin. Claim 6 is rejected under 35 U.S.C. as being unpatentable over Johnson in view of Hudson, Austin and further in view of Brown.

Applicant has carefully studied the rejections, the Examiner's remarks, and the provided references. In response to the Examiner's rejections and statements, applicant herein amends claim 1 to clarify claim language to overcome the 112 rejection.

Applicant argues that the art presented by the Examiner does not combine to provide a Prima Facie Section 103(a) case against the standing claims. Applicant's arguments below patentably distinguish applicant's claimed invention over the prior art of Johnson and Hudson.

Regarding independent claims 1, 7 and 13, the Examiner states that Johnson discloses a software control module for enabling a user to monitor and control home-automated-systems and appliances from a remote interface on a data packet-network, but lacks a teaching in that the software control module is distributed to pre-selected network locations frequented by a user such that the user may have control over home-automated systems and appliances while visiting the network location during

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network navigation.

The Examiner relies on Hudson to teach distributed machine control architecture. The Examiner states that Hudson teaches where it is characterized in that the software-control module is distributed to pre-selected network locations frequented by a user such that the user may have control while visiting the network location during network navigation (paragraph [0005], lines 1-7 and paragraph [0013], lines 13-23).

Applicant strongly disagrees with the Examiner's interpretation of Hudson. Applicant argues that Hudson fails to specifically teach that the software is actually transferred over the Internet. Hudson teaches that the software is remotely located at distributed network locations, but fails to teach that the software is actually transferred over the Internet ([0004]) Further, Hudson fails to teach that the remote user has control over home-automated systems and appliances while visiting the network location during network navigation. Paragraphs [0005] and [0013] referenced by the Examiner teach that the software is distributed to distributed network locations. Applicant asserts that there is no teaching of the distributed network locations being a point to navigate to such as a Web page, or that the software is distributed over said network that connects the remote system to the local system.

Applicant argues that Hudson clearly teaches a machine to machine connection enabling the user 206, to control the local machine (Fig. 2). The software objects 210 are clearly stored at user control point 206, along with the display and the control point processor. The art of Hudson refers to the user control point 206 as a "distributed network location". The distributed network location must have pre-existing hardware and software to operate the local machine 100. Obviously one could not "navigate" on the Internet to this point 206. Applicant argues that this machine 206 is at the user premises.

Applicant believes the art of Hudson fails to teach distributing software as claimed. Therefore, the obviousness rejection fails as not a prima facie rejection.

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Applicant believes claims 1, 7 and 13 are clearly patentable over the art presented by the Examiner, as the claims contain the limitations successfully argued above. Claims 2-6, 8-12 and 14-18 are patentable on their own merits or at least as depended from a patentable claim.

As all of the claims as amended are patentable to the Applicant over the art of record, the Applicant respectfully requests reconsideration and that the case be passed quickly to issue.

If there are any extensions of time required beyond any extension specifically petitioned and paid with this response, such extensions are hereby requested. If there are any fees due beyond any fees paid by check with this response, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully,
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by



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